

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

OPTUM, INC. and  
OPTUM SERVICES, INC.,

*Plaintiffs,*

v.

DAVID WILLIAM SMITH,

*Defendant.*

Civil Action No.: 19-cv-10101

**OPTUM, INC. AND OPTUM SERVICES, INC.’S UNOPPOSED MOTION FOR  
LEAVE TO FILE BRIEF IN EXCESS OF 20 PAGES**

Plaintiffs Optum, Inc. and Optum Services, Inc. (together, “Plaintiffs” or “Optum”), respectfully move for leave to file a memorandum of law in excess of the 20-page limit established by LR 7.1(b)(4). Specifically, Optum seeks leave to file a brief in response to this Court’s order of February 15, 2019 (Dkt. # 79) that is, at most, 25 pages long. As grounds for this Motion, Optum states the following:

1. Optum has attempted to keep its arguments in its Supplemental Memorandum of Law in Support of its Motion for a Temporary Restraining Order as succinct as possible, but requires up to five additional pages over the 20-page limit set forth in the Local Rules.

2. Allowance of the additional pages will not adversely impact any deadlines or prejudice any party.

3. Optum believes that the additional five pages will allow Optum to present its arguments in the manner that will be most helpful to the Court’s analysis of Optum’s request for a Temporary Restraining Order.

4. Defendant David William Smith does not oppose the relief requested herein.

**WHEREFORE**, Plaintiffs respectfully request that the Court permit them to file a

memorandum of law that is in excess of 20, and no more than 25, pages long.

Respectfully submitted,

OPTUM, INC. and  
OPTUM SERVICES, INC.,

By their attorneys,

/s/ Russell Beck

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Dated: February 18, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that this document has been filed through the CM/ECF system on February 18, 2019, and will be served electronically to the registered participants as identified on the Notice of Electronic Filing through the Court's transmission facilities, and that non-registered participants have been served this day by mail.

/s/ Russell Beck

**LOCAL RULE 7.1(a)(2) CERTIFICATE**

I certify, pursuant to Local Rule 7.1(a)(2), that counsel for Plaintiffs have conferred with counsel for Defendant regarding Plaintiffs' Motion for Leave to File Brief in Excess of 20 Pages, and have attempted in good faith to resolve or narrow the issues. Plaintiffs understand that Defendant does not oppose the relief requested by this motion.

/s/ Stephen D. Riden

Stephen D. Riden